IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208 Confirmation No. 3950

Filing Date: April 13, 2001 Examiner: M. Mendoza

Applicant: G. Thomas Wolf Art Unit: 3731

For: Oxygen Mask Docket No. 0022-001

Request for Refund

Mail Stop: Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The Applicant respectfully requests a refund under 37 C.F.R. §1.26. The Applicant requests a refund of the fee paid to file a Notice of Appeal on July 19, 2004, in the amount of \$165.00 USD. The request is made because in the Action mailed September 8, 2004, the Examiner withdrew the finality of the previous Office Action, thus rendering the Notice of Appeal moot. The withdrawal of finality was made by the Examiner at the request for reconsideration by Applicant, which the Examiner stated in the first paragraph of page 2 of the Action, as being persuasive. The basis for the request for reconsideration is that the Examiner introduced a new grounds for rejection, as discussed by the Applicant on page 11 of the response filed on July 19, 2004. The Applicant is an independent inventor and has small entity status with the U.S.P.T.O.

Jun 29 05 04:07p CONWELL, LLC 410-224-4748 p.20

The payment of the Notice of Appeal fee was made via credit card and the Applicant authorizes the Office to refund the fee via a credit to the credit card account to which the fee was charged.

Respectfully submitted,

Mary B. Tung, Ph.D.

Agent for Applicant

Registration No. 50,007

Date: May 18, 2005

CONWELL, LLC 130 Lubrano Drive Suite 112 Annapolis, Maryland 21401 410-224-4546 (Phone) 410-224-4748 (Fax)

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FAX Mail Stop: AMENDMENT

To: Examiner Mendoza, AU 3731 From: Mary B. Tung, #50,007

FAX Sender's

Number: 571-273-4698 Phone #: 410-224-4546

Sender's

Date: June 29, 2005 FAX #: 410-224-4748

Re: SN: 09/834,208 Reply Under 37 C.F.R. 1.111

Pages: 21, including coversheet

Comments:

The following correspondence is being submitted for appropriate action by the U.S. Patent and Trademark Office via facsimile transmission:

Fax Coversheet,

Fax Coversheet and Fax Auto Reply receipt dated May 27, 2005,

Cover letter,

Copy of U.S.P.T.O. Auto-Reply receipt showing 15 pages received by the U.S.P.T.O.,

Cover letter for Reply dated May 18, 2005,

Reply Under 37 C.F.R. 1.111 (11 Pages), and

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Fax Information Date Received: Total Pages:

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19 (including cover page)

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FAX

Mail Stop: AMENDMENT

To: Examiner Mendoza, AU 3731 From

From: Mary B. Tung, #50,007

FAX

Sender's

Number: <u>703-872-9306</u>

Phone #: 410-224-4546

Sender's

Date: May 27, 2005

FAX #: 410-

410-224-4748

Re: SN: 09/834,208 Reply Under 37 C.F.R. 1.111

Pages: 19, including coversheet

Comments:

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Kevin Michael Reilly, Esq. Of Counsel (DC)

Jane Shershenovich, Esq. Patent Attorney (MD)

Mary Beth Tung, Ph.D. Patent Division Director (Practice Limited to US Patent and Trademark Office)

Mail Stop: AMENDMENT

May 27, 2005 VIA FACSIMILE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Patent Application

Appl. No.

09/834,208; Filed: April 13, 2001

For:

Oxygen Mask G. Thomas Wolf

Inventor: Our Ref:

0022-010001

Sir:

We are writing in regard to our filing on May 18, 2005. We faxed a Reply to an Office Action to the Central Fax Number. The Reply consisted of fifteen (15) pages, of which eight (8) pages were received on the first attempt. An Auto-Fax receipt was generated by the U.S.P.T.O. and received shortly after transmission that only 8 pages of the 15 pages were received by the Patent Office. We then re-sent the 15 page filing which was received by the U.S.P.T.O., which then generated am Auto-Reply Fax receipt that all 15 pages had been received. When checking PAIR to assure that all pages that were filed had been entered, we noticed that only the first Fax transmission had been scanned into the file. Thus, we are re-sending the papers that filed (15 pages), in addition to a copy of the Auto-Reply Fax receipt, indicating receipt of all 15 pages of the Reply.

We respectfully request that the complete reply consisting of the fifteen pages timely filed on May 18, 2005 be entered and that the Reply to the Office Action is considered timely. As the Reply was filed within the three (3) month Shortened Statutory period set by the Examiner, the applicants believe that no late fees are due.

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Page 2 of 2

Copy of U.S.P.T.O. Auto-Reply receipt showing 15 pages received by the U.S.P.T.O.,

Cover letter for Reply dated May 18, 2005,

Reply Under 37 C.F.R. 1.111 (11 Pages), and

Request for Refund.

It is respectfully requested that the following response be entered and considered timely by the Office.

Respectfully submitted,

Mary B. Tung, Ph.D.

Agent for Applicant Registration No. 50,007

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Auto-Reply Facsimile Transmission



TO:

Fax Sender at 410 224 4748

Fax Information Date Received:

5/18/2005 4:33:52 PM [Eastern Daylight Time]

Total Pages: 15 (including cover page)

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Received Cover Page ======>

410-224-4748 Hay 18 05 04:34p Soutt A. Convell, Esq. CONWELL, LLC ATTORNEYS AT LAW FAX Mail Stop: AMENDMENT Te: Exerciser Mendoza, AU 3731 Frem: Mary B. Tung. #50,007 Phone #: 410-224-4546 Number: 703-472-9306 FAX #: 410-224-4748 Date: May 18, 2005 reflute.com Re: SN: 09/834,208 Reply Under 37 C.F.R. 1.111 # Pages: 14, including coversheet Hary Grin Tung, Pk.D. The following correspondence is being submitted for appropriate action by the U.S. Patens and Trademark Office via Bessimile transmission: Fax Coversheet, Reply Under 37 C.F.R. 1.111 (11 Pages), and Request for Rohand This fax is directed in confidence solely to the persons(s) samed above and may not otherwise be distributed, copied or disclosed. If you have received this fax to error, please notify us immediately or destroy it without making a copy. Litigation / Appeals & Homeland Security & Immigration & International & Corporate Patents / Trademarks / Interfectual Procenty / Technology & Contracts & Growing Companies

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Mail Stop: AMENDMENT

To: Examiner Mendoza, AU 3731 From:

From: Mary B. Tung, #50,007

FAX

Number: 703-872-9306

Sender's

Phone #: 410-224-4546

Sender's

Date: May 18, 2005 FAX #: 410-224-4748

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Jane Shershenovich, Esq. Patent Attorney (MD)

Mary Beth Tung, Ph.D.
Patent Division Director
(Practice Limited to US Patent and Trademark Office)

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May 18, 2005
VIA FACSIMILE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Patent Application

Appl. No.

09/834,208; Filed: April 13, 2001

For:

Oxygen Mask G. Thomas Wolf

Inventor: Our Ref:

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Respectfully submitted,

Mary B. Tung, Ph.D. Agent for Applicant

Registration No. 50,007

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